

REMARKS

The present application was filed on October 17, 2003 with claims 1-28.

In the outstanding Office Action dated June 22, 2007, the Examiner has rejected claims 1-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,076,174 to Freund (hereinafter "Freund").

In this response, Applicants amend independent claims 1, 17, 27 and 28 solely to expedite allowance of the present application. Applicants also traverse the §102(b) rejections and respectfully request reconsideration of the application in view of the amendments above and remarks below.

With regard to the §102(b) rejection of claims 1-28, Applicants initially note that MPEP §2131 specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully traverse the §102(b) rejection on the ground that the Freund reference fails to teach or suggest each and every limitation of claims 1-28 as alleged.

Amended independent claim 1 is directed to a method of generically controlling one or more resources associated with at least one computing system, comprising the steps of: translating one or more performance metrics and one or more configurations from an associated resource specific format to a generic format such that each of the one or more resources are generically controlled; evaluating one or more generically-expressed performance metrics associated with the one or more resources given one or more generically-expressed configurations of the one or more resources; causing a change in the one or more generically-expressed configurations of the one or more resources based on the performance metric evaluating step; translating the one or more changed configurations from the generic format to the associated resource specific format; and updating the one or more resources with the one or more resource specific configurations.

In an illustrative embodiment of the present invention, some form of user work (e.g., user workload 102) is being done by one or more resources on one or more systems (e.g., resources 108-A through 108-D on systems 106-A and 106-B). The time it takes to complete some unit of user work is measured by probe 114 either in measuring the actual user work or submitting some sample user work itself. Probe 114 reports the system performance through probe translator 116 that interprets the specific probe performance information and sends it in a generic format to controller 120. The generic format being discussed here is the format of the data. The term generic is used here to show that the formatting does not have to be done the same way among different control systems, but within the same control system (or sets of common control systems) it should be presented to the control in the same format. Therefore, the approach provides flexibility and the system is not locked into one way of formatting the data.

FIGs. 2A through 2F are flow diagrams that illustrate a generic control methodology, according to an embodiment of the present invention. Control logic 124 within controller 120 gets a performance report (step 210 of FIG. 2A) from probe 114 through the common interface (118 and 128). If this is the first performance report (step 211 of FIG. 2B) then control logic 124 requests (through generic resource interface 130 using the common interface 128 and 112 which is interpreted by that resource's translator 110) a list of performance metrics from all resources (step 212 of FIG. 2B). Each resource 108 returns through their translator 110 a list of performance metrics to control logic 124. Control logic 124 then queries each performance metric for every resource within control domain 104 (step 213 of FIG. 2B). Thus, control logic 124 has the overall system performance from probe 114 and each monitored resource 108 in the system.

Control logic 124 then compares the system and/or individual resource performance (step 220 of FIG. 2A) to the performance goal(s) set by the administer (step 221 of FIG. 2C) and logs the performance goal(s) and metrics (step 222 of FIG. 2C). If this is the first configuration change (step 231 of FIG. 2D) then control logic 124 requests (through generic resource interface 130 using the common interface 128 and 112 which is interpreted by that resource's translator 110) a list of configuration parameters from all resources (step 232 of FIG. 2D). Each resource 108 returns through their translator 110 a list of configuration parameters to control logic 124. Then, control

logic 124 determines which configuration parameters on which resources need to be modified (step 240 of FIG. 2D). Control logic 124 then causes the resources to change configuration (step 250 of FIG. 2A). That is, the resources are told by control logic 124 to update their configuration parameters through generic resource interface 130 using the common interface 128 and 112 which is interpreted by each resource's translator 110 (step 251).

The Examiner in formulating the §102(b) rejection of claim 1 argues that each and every one of the above-noted limitations of claim 1 is anticipated by the teachings of Freund. Applicants respectfully disagree.

In characterizing the Freund reference as allegedly meeting certain limitations of claim 1, the Examiner relies primarily on column 1, line 55 through column 2, line 25 and column 3, lines 10-30 of Freund. However, the relied-upon portions of Freund fail to anticipate the limitations as alleged. For example, there is no description in the relied-upon portions of Freund disclosing translating the one or more performance metrics and one or more configurations from an associated resource specific format to a generic format. Freund states that an advantage of its scheduling framework is that it gracefully accommodates changes in the network configuration, avoiding the expense of redundant systems. However, Freund does not teach or suggest translating the changed one or more configurations from the generic format to the associated resource specific format, and updating the one or more resources with the one or more resource specific configurations.

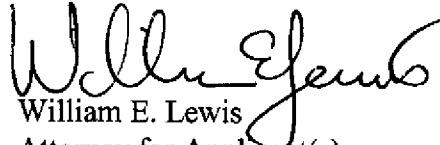
Accordingly, it is believed that the teachings of Freund fail to meet the limitations of claim 1.

Independent claims 17, 27 and 28 include limitations similar to those of claim 1, and are therefore believed allowable for reasons similar to those described above with reference to claim 1.

Dependent claims 2-16 and 18-26 are believed allowable for at least the reasons identified above with regard to claims 1 and 17. One or more of these claims are also believed to define separately-patentable subject matter over the cited art.

In view of the above, Applicants believe that claims 1-28 are in condition for allowance, and respectfully request withdrawal of the §102(b) rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" and last name "Lewis" clearly distinguishable.

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